

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	C.R. No. 05-30042-MLW
	)	
RICARDO DIAZ	)	
and	)	
CESAR CRUZ,	)	
Defendants.	)	

ORDER

WOLF, D.J.

October 30, 2006

For the reasons described in court on October 30, 2006, it is hereby ORDERED that:

1. Defendant Ricardo Diaz shall, by November 3, 2006, submit to Deputy Clerk Dennis O'Leary letters to any prisoners counsel wishes to interview. Mr. O'Leary shall request that the Bureau of Prisons deliver the letters forthwith and provide any responses to him.

2. Defendants's Joint Motion for a Bill of Particulars is ALLOWED to the extent that the government shall, by November 3, 2006, inform the defendants of the date on or about which the conspiracy charged in Count I ended and confirm that the conspiracy charged was only between defendants Cesar Cruz and Diaz.

3. A warrant shall be issued for the arrest of Diaz based on Pre-trial Service's Petition to Issue a Summons and Diaz's failure to appear in court on October 30, 2006. The petition is hereby

referred to Magistrate Judge Neiman for the purpose of conducting a revocation hearing and, if necessary, for deciding the Defendants's Joint Motion to Modify Conditions of Release.

4. Counts I and II of the indictment are SEVERED, to be tried separately and before Count III.

5. The government shall, by November 3, 2006, respond to the requests for discovery listed in the October 25, 2006 letter from Diaz's counsel, Terry Scott Nagel, Esq.

6. Defense counsel shall, by November 10, 2006, file any motions for further discovery. The government shall respond by November 17, 2006.

7. Counsel shall confer and, by November 10, 2006, inform the court of whether they have reached an agreement to resolve this case.

8. If an agreement has not been reached:

- a) The defendants shall, by November 30, file any motion to dismiss.
- b) Any response shall be filed by December 14, 2006.
- c) A hearing will be held on December 20, 2006, at 3:00 p.m.
- d) Trial will commence on January 2, 2007.

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UNITED STATES DISTRICT JUDGE